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JAMES M. CLEARY, JR.

burdens in excess of those permitted by; or seek documents pursuant to rules other than, the Federal Rules of Civil Procedure.

3. Quantlab objects to SXP and Mamalakis' interrogatories and requests for production to the extent they seek an exhaustive recitation of all facts or evidence supporting any of Quantlab's claims or contentions. Quantlab bases its interrogatory answers and responses to the requests for production on information Quantlab has obtained after a reasonable investigation. Quantlab reserves the right to supplement its answers and responses as appropriate in light of further investigation and discovery, including after it obtains evidence currently in the exclusive possession of the federal government.

4. Quantlab objects to SXP and Mamalakis' interrogatories and requests for production to the extent they purport to require Quantlab to extract data or other information from existing documents and organize and produce such data or information in a format other than a format in which that data or information currently exists.

5. To the extent that Quantlab specifies records from which a response to a request for production or an answer to an interrogatory may be ascertained, Quantlab does not waive any objection it may make to the introduction or use of such records as evidence in this case, including objections as to the authenticity of such records.

6. Quantlab advises SXP and Mamalakis that it will comply with Federal Rule of Civil Procedure 26 when asserting privileges. Quantlab emphasizes that any obligation to list particular documents or information on a privilege log is limited to documents and information that otherwise lie within the proper scope of discovery—*i.e.*, documents and information that are otherwise discoverable except for the applicable privilege. In the event that the Court overrules Quantlab's objections to any of SXP and Mamalakis' interrogatories or requests for production,

Quantlab reserves the right to then assert any applicable privileges and list documents or information on a privilege log in accordance with Federal Rule of Civil Procedure 26. *See, e.g., United States v. Philip Morris, Inc.*, 347 F.3d 951, 954 (D.C. Cir. 2003).

7. Quantlab has made a good faith effort to interpret SXP and Mamalakis' interrogatories and requests for production in a common sense manner consistent with the issues in this case. To the extent that SXP and Mamalakis believe Quantlab has used a different or unduly narrow construction of the language in a particular request or interrogatory, Quantlab objects to the request or interrogatory on grounds that it is vague and susceptible to differing interpretations, and on grounds that it is overly broad and seeks more information than is reasonable in the context of the issues and factual contentions in this lawsuit.

8. Quantlab objects to SXP and Mamalakis' definition of "Quantlab" on grounds that it is overly broad and would include entities, including "subsidiaries and affiliates, . . . including without limitation Quantlab Securities LP" that are not parties to this lawsuit, are not relevant, and have no knowledge of relevant facts.

#### **OBJECTIONS AND ANSWERS TO SXP AND MAMALAKIS' FIRST SET OF INTERROGATORIES**

**Interrogatory No. 1:** Please identify each of Quantlab Securities LP's clients.

**Answer:** Quantlab objects to Interrogatory No. 1 on grounds that it is irrelevant, that it is not reasonably calculated to lead to the discovery of admissible evidence, and that SXP and Mamalakis have no credible information upon which to claim otherwise. Quantlab Securities, LP is not a party to this case and its clients have nothing to do with this litigation, which is based on SXP, Mamalakis, and other defendants' unlawful and unauthorized copying, theft, and misuse of intellectual property belonging to QLF and QLT—not Quantlab Securities. Quantlab also objects to Interrogatory No. 1 because it seeks the disclosure of confidential business information not belonging to any party in this lawsuit, and which is protected from disclosure by federal law and customer agreements between Quantlab Securities and its customers. Moreover, Quantlab further objects on grounds that this request is overly broad, wholly unlimited as to time, has no legitimate purpose, appears to have been propounded for no other reason than to harass

and annoy Quantlab, and because even if some customer information of Quantlab Securities were somehow relevant—which it is not—an interrogatory to QLF and QLT is not the proper method to obtain it. Finally, if subsequent legitimate discovery were to uncover a basis that would support production of third-party information relating to Quantlab Securities' customers, then, prior to such production, Quantlab Securities would need to notify its customers that their protected information has been sought so that they would have the opportunity to object to its production.

**Interrogatory No. 2:** Please identify each and every stock exchange where Quantlab traded between 2002 and 2007.

**Answer:** Quantlab objects to Interrogatory No. 2 on grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Quantlab further objects to Interrogatory No. 2 on grounds that it is overbroad as to time and seeks the disclosure of Quantlab's confidential business information before an appropriate protective order has been entered. Quantlab further objects to the use of the term "Quantlab" in this interrogatory as vague, ambiguous, and overly broad to the extent that SXP and Mamalakis may be attempting to use that term (and the accompanying overly broad definition in their interrogatories) to encompass any entities other than the plaintiffs in this litigation—*i.e.*, QLF and QLT.

**Interrogatory No. 3:** Identify all current or former employees with knowledge about Quantlab's business relationship with Rock Island and Wolverine.

**Answer:** Quantlab objects to Interrogatory No. 3 on grounds that it is irrelevant, that it is not reasonably calculated to lead to the discovery of admissible evidence, and that SXP and Mamalakis have no credible information upon which to claim otherwise. Quantlab Securities, LP is not a party to this case and its clients have nothing to do with this litigation, which is based on SXP, Mamalakis, and other defendants' unlawful and unauthorized copying, theft, and misuse of intellectual property belonging to QLF and QLT—not Quantlab Securities. Quantlab also objects to Interrogatory No. 3 because it seeks the disclosure of confidential business information not belonging to any party in this lawsuit, and which is protected from disclosure by federal law and customer agreements between Quantlab Securities and its customers. Moreover, Quantlab further objects on grounds that this request is overly broad, wholly unlimited as to time, has no legitimate purpose, appears to have been propounded for no other reason than to harass and annoy Quantlab, and because even if some customer information of Quantlab Securities were somehow relevant—which it is not—an interrogatory to QLF and QLT is not the proper method to obtain it. Finally, if subsequent legitimate discovery were to uncover a basis that would support production of third-party information relating to Quantlab Securities' customers, then, prior to such production, Quantlab Securities would need to notify its customers that their protected information has been sought so that they would have the opportunity to object to its production.



**OBJECTIONS AND RESPONSES TO SXP AND MAMALAKIS'  
FIRST REQUESTS FOR PRODUCTION**

**Request No. 1:** All documents and communications (including e-mail correspondence) relating to or reflecting the relationship between Rock Island and Quantlab, including, but not limited to, contracts, agreements, filings, and registration documents.

**Response:** Quantlab objects to Request No. 1 on grounds that the phrases “relationship between Rock Island and Quantlab” and “documents or communications . . . relating to or reflecting the relationship” are so vague and ambiguous that it is not apparent what documents the request is really attempting to seek. To the extent that this request, like others above, seeks information about Quantlab Securities, LP’s customer/service provider relationship with Rock Island (if any), Quantlab objects to this request on grounds that it is irrelevant, that it is not reasonably calculated to lead to the discovery of admissible evidence, and that SXP and Mamalakis have no credible information upon which to claim otherwise. Quantlab Securities is not a party to this case and its clients have nothing to do with this litigation, which is based on SXP, Mamalakis, and other defendants’ unlawful and unauthorized copying, theft, and misuse of intellectual property belonging to QLF and QLT—not Quantlab Securities. Quantlab also objects to Request No. 1 because it seeks the disclosure of confidential business information not belonging to any party in this lawsuit, and which is protected from disclosure by federal law and customer agreements between Quantlab Securities and its customers. Moreover, Quantlab further objects on grounds that this request fails to identify the documents it seeks with reasonable particularity, is overly broad as to time and subject matter, has no legitimate purpose, appears to have been propounded for no other reason than to harass and annoy Quantlab, and because even if some customer information of Quantlab Securities were somehow relevant—which it is not—a request for production to QLF and QLT is not the proper method to obtain it. Finally, if subsequent legitimate discovery were to uncover a basis that would support production of third-party information relating to Quantlab Securities’ customers, then, prior to such production, Quantlab Securities would need to notify its customers that their protected information has been sought so that they would have the opportunity to object to its production. Quantlab will not be producing documents in response to this improper request.

**Request No. 2:** Documents sufficient to identify each of Quantlab Securities LP’s clients.

**Response:** Quantlab objects to Request No. 2 on grounds that it is irrelevant, that it is not reasonably calculated to lead to the discovery of admissible evidence, and that SXP and Mamalakis have no credible information upon which to claim otherwise. Quantlab Securities, LP is not a party to this case and its clients have nothing to do with this litigation, which is based on SXP, Mamalakis, and other defendants’ unlawful and unauthorized copying, theft, and misuse of intellectual property belonging to QLF and QLT—not Quantlab Securities. Quantlab also objects to Request No. 2 because it seeks the disclosure of confidential business information not belonging to any party in this lawsuit, and which is protected from disclosure by federal law and customer agreements between Quantlab Securities and its customers. Moreover, Quantlab further objects on

grounds that this request fails to identify the documents it seeks with reasonable particularity, is overly broad as to time and subject matter, has no legitimate purpose, appears to have been propounded for no other reason than to harass and annoy Quantlab, and because even if some customer information of Quantlab Securities were somehow relevant—which it is not—a request for production to QLF and QLT is not the proper method to obtain it. Finally, if subsequent legitimate discovery were to uncover a basis that would support production of third-party information relating to Quantlab Securities' customers, then, prior to such production, Quantlab Securities would need to notify its customers that their protected information has been sought so that they would have the opportunity to object to its production. Quantlab will not be producing documents in response to this improper request.

**Request No. 3:** All documents and communications (including e-mail correspondence) relating to or reflecting the relationship between Quantlab and each and every stock exchange where Quantlab traded between 2002 and 2007, including, but not limited to, contracts, agreements, filings, and registration documents.

**Response:** Quantlab objects to Request No. 3 on grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Quantlab further objects to this request for "all documents and communications . . . relating to or reflecting the relationship between Quantlab and each and every stock exchange where Quantlab traded between 2002 and 2007" as vague, overly broad as to both time and subject matter, and because it fails to identify the documents it seeks with reasonable particularity. Quantlab additionally objects to the use of the term "Quantlab" in this request as vague, ambiguous, and overly broad to the extent that SXP and Mamalakis may be attempting to use that term (and the accompanying overly broad definition in SXP and Mamalakis' requests) to encompass any entities other than the plaintiffs in this litigation—*i.e.*, QLF and QLT. Quantlab will not be producing documents in response to this improper request.

**Request No. 4:** All documents and communications (including e-mail correspondence) relating to or reflecting the relationship between Wolverine and Quantlab, including, but not limited to, contracts, agreements, filings, statements, order information and registration documents.

**Response:** Quantlab objects to Request No. 4 on grounds that the phrases "relationship between Wolverine and Quantlab" and "documents or communications . . . relating to or reflecting the relationship" are so vague and ambiguous that it is not apparent what documents the request is really attempting to seek. To the extent that this request, like others above, seeks information about Quantlab Securities, LP's customer/service provider relationship with Wolverine (if any), Quantlab objects to this request on grounds that it is irrelevant, that it is not reasonably calculated to lead to the discovery of admissible evidence, and that SXP and Mamalakis have no credible information upon which to claim otherwise. Quantlab Securities is not a party to this case and its clients have nothing to do with this litigation, which is based on SXP, Mamalakis, and other defendants' unlawful and unauthorized copying, theft, and misuse of intellectual property belonging to QLF and QLT—not Quantlab Securities. Quantlab also objects to Request

No. 4 because it seeks the disclosure of confidential business information not belonging to any party in this lawsuit, and which is protected from disclosure by federal law and customer agreements between Quantlab Securities and its customers. Moreover, Quantlab further objects on grounds that this request fails to identify the documents it seeks with reasonable particularity, is overly broad as to time and subject matter, has no legitimate purpose, appears to have been propounded for no other reason than to harass and annoy Quantlab, and because even if some customer information of Quantlab Securities were somehow relevant—which it is not—a request for production to QLF and QLT is not the proper method to obtain it. Finally, if subsequent legitimate discovery were to uncover a basis that would support production of third-party information relating to Quantlab Securities' customers, then, prior to such production, Quantlab Securities would need to notify its customers that their protected information has been sought so that they would have the opportunity to object to its production. Quantlab will not be producing documents in response to this improper request.

**Request No. 5:** All agreements between Quantlab and each and every stock exchange where Quantlab traded between 2002 and 2007.

**Response:** Quantlab objects to Request No. 5 on grounds that it seeks documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Quantlab further objects to this request on grounds that it is overly broad as to time and scope of the subject matter. Quantlab further objects that this request seeks the disclosure of Quantlab's confidential business information in the absence of an appropriate protective order. Quantlab further objects to the use of the term "Quantlab" in this request as vague, ambiguous, and overly broad to the extent that SXP and Mamalakis may be attempting to use that term (and the accompanying overly broad definition in SXP and Mamalakis' requests) to encompass any documents relating to entities other than the plaintiffs in this litigation—*i.e.*, QLF and QLT. Quantlab will not be producing documents in response to this improper request.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that, on January 25, 2012, I served these Objections and Responses to SXP and Mamalakis' First Set of Interrogatories and Requests for Production on the following persons

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